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Israeli High Court Challenges Amnesty

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JERUSALEM, July 1 — The Israeli Supreme Court today challenged the Government to explain why there was no police investigation of allegations that the head of Israel's domestic intelligence service ordered the killings of two captured Palestinian bus hijackers and that he subsequently covered up his involvement.

The court order came after a three-judge panel listened to five different appeals in the last two days arguing that President Chaim Herzog abused his amnesty powers with his decision last Wednesday to grant amnesty to the intelligence chief, Avraham Shalom, and three deputies before they were either investigated, charged or convicted.

The appeals were made by various lawyers and citizens' groups who contended that the President had used his amnesty authority not as tool of mercy, as it was intended, but as means of supplanting the legal process.

No Challenge on Legality

In its unanimous decision today, the three-judge court did not rule on the legality of the presidential grant of immunity. What it said, in effect, was that even if the amnesty stands, the Government must still show legal cause within

14 days why it did not carry out a police investigation.

The court also gave Mr. Shalom and his three deputies, whose names are still secret, to explain within seven days exactly why they asked the President for amnesty. Depending on the arguments that Attorney General Yussuf Harish presents in the Government's defense, the Supreme Court will either deliberate further or strike down the grant of amnesty, the Israel radio said.

Mr. Shalom was accused of having ordered the clubbing to death of two captured Palestinian bus hijackers — two cousins, Majdi and Subhi Abu-Jumas — in April 1984 and of covering up these actions with the help of his three deputies. Mr. Shalom stepped down last week as part of the immunity arrangement.

The President, on the advice of the Cabinet, had given amnesty to all four Shin Beth men in order to avoid an investigation and trial that might have exposed the inner workings of the domestic intelligence service and possibly have implicated some senior Israeli politicians in the matter.

Israeli leaders of both major parties have begun to look for a compromise that might bring about an investigation of officials' handling of the scandal, government sources said today.

The Likud bloc has, until now, opposed any further investigation into the affair, and the Labor Party is insisting on it. Some Labor Party ministers have even hinted that they might resign if an inquiry is not carried out.

But Government sources said Prime Minister Shimon Peres, the Labor Party leader, and Foreign Minister Yitzhak Shamir, the Likud leader, were considering a face-saving compromise proposal — possibly a secret one-man commission of inquiry — each for his own reasons.

"The problem," Mr. Peres said today, "is how to bring an end to a crisis with very complex legal and political aspects, and I am looking for a suitable solution to the case."

According to Labor Party sources, Mr. Peres has become convinced that the Shin Beth affair is not a good issue over which to break up the Government and force elections to be held. Mr. Peres and Mr. Shamir are scheduled to exchange jobs in October under the power-sharing agreement they signed in September 1984 at the start of the national unity Government.

The Israeli press many judges, law-

yers and university intellectuals have expressed outrage over the Government's handling of the scandal and are the driving force behind the calls for an inquiry, but most Israelis seem to be to little interest in the case or are lost in its complexities.

Most officials agree that most Israelis tend to accept Mr. Shamir's argument that this is a case where security and the law clashed and that security should carry the day. This is taken to mean that there should be no further investigations of the inner workings of Shin Beth, because it might damage the service and make it less able to capture Palestinian terrorists.

The mood was succinctly summed up by a Druse legislator from the Likud bloc, Amal Nasseridine, who said, "What is all this fuss about two filthy terrorists?"

A senior Government official said: "Peres knows that if he goes to the voters on this issue, the Likud will eat him up. It is a perfect issue for the Likud. They can argue that they are defending security, while Labor is just playing politics over legal niceties."

'There Is an Agreement'

When Mr. Peres was asked by reporters today whether Labor would break up the Government over the question of an inquiry, he said: "The rotation agreement will be implemented. There is an agreement, and I will insist on keeping it."

Mr. Shamir, for his part, would like to avoid an inquiry of any kind into his behavior in the affair. But after a powerful speech in Parliament by Mr. Peres on Monday, in which the Prime Minister detailed his handling of the case from beginning to end, the Likud leader apparently feels that he may be able to end any suspicion by approving a very limited investigation.

"I don't think we need any new commissions of inquiry," Mr. Shamir said today, "but if the Government will decide on that, I will go along with every decision of the Government."

"If there will be some inquiry," he added, "I will say what I have to say, and everybody will then be surprised, and most of our press and media will regret what they say now."

Mr. Shalom has stated that all of his actions in the affair were done with the approval of his superiors. The Tel Aviv daily Haaretz quoted Mr. Shalom today as saying that Mr. Shamir had given him a general authorization to kill any "terrorists" who took hostages.